

CPC Minutes of January 17, 2012

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, January 17, 2012 at 4:45 p.m. in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairman Durkee called the meeting to order at 4:47 p.m.

Members Present: Chairman Stephen Durkee, Vice Chairman Harrison Bilodeau, Ina Anderson, Andrew Cortes, Luis Torrado, JoAnn Ryan and Meredyth Church

Staff Present: Thomas Deller, Robert Azar, Bonnie Nickerson and Choyon Manjrekar

Approval of meeting minutes from December 20th, 2011: Mr. Cortes made a motion seconded by Ms. Ryan to approve the minutes. All voted in favor.

COMPREHENSIVE PLAN

1. Comprehensive Plan Update - Complete review of changes to Providence Tomorrow: The Interim Comprehensive Plan – for public hearing

Mr. Azar said the item was a public hearing as required by state law and asked Commissioners that the item be left open till the following meeting to discuss and incorporate any proposed changes. Ms. Nickerson presented an overview of the update process and distributed the plan appendix, which was completed with updated census information. She said parks and open space were not indicated Downtown on the Future Land Use Map as parks are a permitted use. The Fields Point parcel that was designated as park/open space on the map was designated waterfront/port after being handed over to ProvPort. She said the new land use map outlines a greenway along the City. She listed changes made to the document since the previous version:

- On page 120, only part, not the entire waterfront was mentioned as being mixed use.
- Strategy C on page 127 removed the Waterfront from areas under the jobs district as that designation is only reserved for zones that permit residential use.
- Changes to references of the Waterfront were made on page 131 and 132. A discussion on the changes ensued.
- A footnote was added on page 34 that objectives relating to waterfront access were consistent with Homeland Security requirements. A language clarification was made on page 138.

Public comment was taken. Mr. Andrew Teitz said he supported the changes on behalf of the Working Waterfront Alliance. Mr. Burt Russell from Sprague said he appreciated the changes and opportunity to participate in the planning process.

Mr. Grant Dulgarian made comments about the history of Providence in the plan's Introduction section. He said the plan should include an objective that would curtail the Zoning Board of Review from granting variances. He said discussions on sustainability should include non-biodegradable waste like glass, Styrofoam and metal. Mr. Dulgarian said incentives for single passenger commuting should be eliminated to promote transit. He pointed to an objective to use excise taxes as a form of revenue generation and asked what was intended to be taxed. Ms. Nickerson said it was included from the 2007 version of the plan and was not relevant to the current publication. She said the chapter on transit was written with input from RIPTA. Mr. Dulgarian said it would be difficult to raise excise taxes from further taxing vehicles. He suggested that tax exempt parking lots should be metered to earn

revenue and would increase transit use. Ms. Anderson said the context of focusing on biodegradable waste was because of policies related to composting. Mr. Dulgarian said attention should be paid to non biodegradable waste.

Mr. Dulgarian said language should be included for landscaping to be installed when sidewalks are replaced. He also said sewer fees should be based on consumption instead of connection fees. Mr. Bilodeau said the comments were not relevant to the Comprehensive Plan. Mr. Deller said the comments were irrelevant and should be made on the proposed changes. A discussion on the plan changes ensued. Mr. Dulgarian said free parking on tax free lots for colleges and institutions should be eliminated as a sustainability measure. He said the cost of recycling should be extended to noncommercial structures like restaurants to promote recycling. Mr. Dulgarian said data like yards left unpaved as a result of pilot overnight onstreet parking programs should be used to determine if onstreet parking can be extended to the entire city. He said he appreciated use of the term "human scale" in the plan and felt the term should inform development regulations. He said maps should be enlarged. He said references to institutions should be divided into educational and medical institutions to distinguish between the two.

Mr. Dulgarian said language referring to the proximity of neighborhood gardens should be changed to say that children should not have to walk more than 10 minutes for a place to play. He said parking structures should be encouraged. He said information on RIPTA felt outdated and should be updated and that more specific information should be included on sewer and road systems. Mr. Dulgarian spoke about the addition to the emergency management building. Mr. Durkee said it wasn't relevant. Mr. Dulgarian asked why there wasn't more information on signage. Mr. Durkee said that was referred to in the zoning ordinance.

Mr. David Kolsky said the acknowledgement section should include former DPD staff members. Mr. Deller said they were included in the interim plan and the new document reflected the present staff.

Mr. Cortes made a motion seconded by Ms. Church to continue the public hearing to January 24, 2012 at 4:45 pm. All voted in favor.

ZONING CHANGES

2. Changes to Downtown Zoning - Consideration of an Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved June 27, 1994, as Amended, to Change Certain Text in Articles I, III, IV, V, VI, VII, X, and Appendix A to Revise the Regulations for Downtown; and to Revise the Zoning Map for Downtown. – for action

3. Zoning of I-195 surplus Parcels - Consideration of an Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved June 27, 1994, as Amended, to Create Revised Regulations for the I-195 Surplus Land Parcels in Fox Point and to Revise the Zoning Map to Create a New Zoning

Mr. Deller requested that items 2 and 3 be combined to allow for presentation and comments to be taken simultaneously. He said the DPD believed it had addressed all concerns and provided predictability through the Ordinances, but comments would be taken to make changes if necessary. He said the requirement to obtain a special use permit for institutional uses in the D-1 zone that expand outside the I-3 overlay district would also apply to the Jewelry District. There would be changes to the Development Plan Review Process in D-1 by permitting staff review for projects that conform to the Zoning Ordinance. Ways to involve public participation in the process would be explored. Mr. Deller said that changes involving waivers would appear before the Downtown Design Review Committee. He said the zoning map showed two parcels for open space and the greenway. He said comments will be taken to explore changes and make recommendations.

Mr. Azar said there were some similarities between the zoning for Downtown and the East Side surplus parcels but they differed in matters of scale. He said the principles for both ordinances aim to encourage sustainable development, promote pedestrian character, promote historic preservation, reconnect neighborhoods to the waterfront, develop new open space, promote outstanding design and grow the Knowledge District. He said the principles are in conformance with the Zoning Ordinance and are recognized in the Comprehensive Plan. The

ordinances also aim to create a predictable Development Review Process. The intent is to have Zoning in place before July 1st. Any changes after that date would require the consent of the I-195 Commission. Following a recommendation by the CPC, the City Council Committee on Ordinances will hold a hearing on the changes. They then will be considered by the full City Council. He said the documents were not static as staff could make changes before being sent to the council, who could also make changes.

Dan Baudouin said changes to permit Research and Development by right Downtown and changes that outline interim uses were encouraging. He said nightclubs are permitted by right Downtown and they should be allowed by special use permit so that they can operate under specific conditions. He suggested that the Open Space designation should be examined and explored for certain uses like restaurants to activate the space.

James Hall of the Providence Preservation Society (PPS) presented the Commission with the Society's version of the ordinance with proposed changes to address concerns related to what he considered a lack of public participation in the review process and demolition controls that he felt did not adequately protect historic structures. He requested that the Commission not approve the changes until the changes he presented were considered.

Arthur Salisbury and Phoebe Blake of the Jewelry District Association said educational uses should be permitted by right and the effects of nightclubs should be controlled. Ms. Blake said there should be specific language describing the Citywalk concept and pedestrianism instead of general language.

Christina Morra of the Fox Point Neighborhood Association said the association was concerned about the length of the ramp onto Wickenden Street and wanted to advocate for a full intersection at the Pike Street intersection. She said the association also shared the concerns of PPS in incorporating public participation into the review process.

Colin Kane, Chairman of the I-195 Commission, said he wished to address the relationship between the Commission and the City. He said the Commission is different from the Capital Center Commission as the I-195 Commission owns the land and is responsible for its development. He said the I-195 Commission is trying to figure out its responsibilities to various bodies, deciding on the best way to develop the land and grow the infrastructure. Mr. Kane said the Commission was eager to work within the constructs of the City's Zoning Ordinance and Comprehensive Plan. He said the Commission needs to determine how to supply infrastructure needs like electricity and water. Mr. Durkee asked if the I-195 parcels would have a separate sewer and stormwater lines like the Capital Center. Mr. Deller said that was the case. Mr. Kane said that environmental issues and conformance with environmental regulations also needed to be examined. He said that the Commission was concerned about design and aesthetics, but had not arrived at a consensus of the type of aesthetic that would be featured on the parcels. He said he had met with the Mayor and DPD staff to discuss the best way to leverage investment in the area. He said he wanted a professional opinion of the proposed zoning to determine the best means to promote development.

Clark Schoettle, vice chairman of the DOWNCITY Design Review Committee (DRC) said he felt the ordinance tackled issues that would streamline the review process and agreed with the comments of PPS. He said he was concerned about demolition of significant structures. He said the criteria proposed for demolition like determining if preservation of a structure was not in the interest of a majority of the community were vague. He said there is no way to ascertain the opinion of a majority of the community in regards to preservation of a structure. He said criteria like the historic nature of a building and architectural significance should be taken into account when making demolition decisions and weren't included in the demolition criteria. Mr. Schoettle said the DRC is required to have a record of decisions to create a defensible record. He said the demolition criteria did not allow the DRC to make defensible decisions using the criteria provided when considering demolition. Denial of demolition could easily be appealed.

Mr. Michael McCormick of Brown University said predictability is required to drive investment in the City, particularly that educational uses should be allowed by right Downtown. He said issues like Brown University's tax status and payments in lieu of taxes would be resolved, but it was important to separate issues of taxation and land use.

Ms. Anderson said she was concerned about issues of transparency and demolition that were raised and would examine the ordinance further for comments. Mr. Bilodeau said comments about demolition should be addressed. Mr. Torrado asked what the process would be for taking comments. Mr. Deller said comments made would be considered for change in the Ordinance, which would be before the Commission the following week. The Commission would then make a recommendation to the City Council, after which the Committee on Ordinances would hold a public hearing, where public comment can also be made. Mr. Deller said there would be many opportunities to comment on the ordinances. Mr. Azar said the Comprehensive Plan would be voted and approved by the Commission. Ms. Ryan asked if new materials would be submitted before the next meeting. Mr. Azar said they would be sent out if completed and would be emailed to Commissioners and posted on the City's website.

ADJOURNMENT

Mr. Cortes made a motion seconded by Ms. Church to adjourn the meeting. All voted in favor.

The meeting adjourned at 6:50 pm

Respectfully Submitted,

A handwritten signature in dark ink, appearing to be 'C. Manjrekar', with a stylized flourish at the end.

Choyon Manjrekar,
Recording Secretary